



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,878	03/09/2004	Shinji Kuraoka	36502	2918
116	7590	12/01/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			CHAU, COREY P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,878

Applicant(s)

KURAOKA ET AL.

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference 15 on page 4, line 9 and reference 31, on page 4, line 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

On page 4, line 17, "microcomputer 36" should be replaced with "microcomputer 38".

On page 4, lines 19 and 21, "indicating unit 37" should be replaced with "indicating unit 36".

On page 4, line 20, "control unit 38" should be replaced with "control unit 37".

Art Unit: 2644

On page 4, line 30, "indicating unit 38" should be replaced with "indicating unit 36".

On page 5, line 21, "indicating unit 35" should be replaced with "indicating unit 36".

On page 6, line 13 and page 7, line 2, "control unit 38" should be replaced with "control unit 37".

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: line 21, "communication g mode" should be replaced with "communication mode". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0076060 to Hall et al. (hereafter as Hall).

6. Regarding Claim 1, Hall discloses programmable headset and programming apparatus and method (i.e. an all-in-one headset to be worn on a user's head)(Fig. 1),

Art Unit: 2644

comprising: a head band (105); a first housing arranged at one end of said head band, said first housing having an inside wall contacting with an ear lobe of said user, and an outside wall on the opposite side of said inside wall (Fig. 1); a boom member (135) stretching forward from said first housing; a second housing arranged at the top end of said boom member; a microphone (130) for converting the voice of said user into an electric signal, said microphone being housed in said second housing (Fig. 1); a communication unit for transmitting the electric signal converted by said microphone, and receiving an electric signal indicative of a communicating partner (110), with one communication mode between two communication modes using one communication channel between two communication channels (page 3, paragraph 0033; page 4, paragraph 0046), said communication unit being housed in said first housing (Fig. 1); an ear speaker (120) for converting the electric signal indicative of a communicating partner into sound, said ear speaker being arranged on said inside wall (Fig. 1); an operating panel (Fig. 2) having a communication channel selecting switch (160) for outputting a communication channel selecting signal (page 3, paragraph 0033), and a communication mode selecting switch (162, 164) for outputting a communication mode selecting signal; a control unit (i.e. it is inherent that the headset has a control unit in order perform operations requested from control buttons) for controlling said communication unit so as to operate with one communication mode selected in accordance with said communication mode selecting signal, using one communication channel selected in accordance with said communication channel selecting signal, said control unit being housed in said first housing; a display control signal generating unit

Art Unit: 2644

for generating a display control signal indicative of the communication channel selected by said communication channel selecting signal and the communication mode selected by said communication mode selecting signal, said display control signal generating unit being housed in said first housing (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051); and a display unit (158) for displaying a sign indicative of the communication channel selected by said communication channel selecting signal and the communication mode selected by said communication mode selecting signal in accordance with said display control signal generated in said display control signal generating unit, said display unit being arranged on the circumference wall of said second housing (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051).

7. Regarding Claim 2, Hall discloses said indicating unit includes at least two light emitting diodes, each thereof emits light of a color different from each other, and said display control signal generating unit controls on/off states and blinking patterns of said light emitting diodes (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0076060 to Hall.

10. Regarding Claim 3, Hall discloses the headset may include an LED indicator or indicators (page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051), but only generally; no specific software or hardware is taught. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such a display control signal generating unit, which turns on one light emitting diode which emits light of color corresponding to said selected communication channel, and blinks said turned on light emitting diode a cycle corresponding to the selected communication mode by programming the programmable headset (page 3, paragraph 0038).

11. Regarding Claim 4, Halls discloses headset may include an LED indicator or indicators, wherein light beam indicators and other indictors may be used, but only generally; no specific software or hardwire is taught (Fig 2; page 3, paragraph 0033; page 4, paragraphs 0046, 0047, 0049, and 0051). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize any known indicators such as an indicating unit consists of a liquid crystal display panel displaying at least two alpha-numerals.

12. Regarding Claim 5, Halls discloses headset may include an LED indicator or indicators, wherein light beam indicators and other indictors may be used, but only generally; no specific software or hardwire is taught. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to

Art Unit: 2644

provide said display control signal generating unit controls said liquid crystal display panel so that one alpha-numeral shows said selected communication channel, and the other alpha-numeral shows said selected communication mode by programming the programmable headset (page 3, paragraph 0038).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 29, 2004

2

XU MEI
PRIMARY EXAMINER